

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. ) 2:15-CR-164-GMN-(NJK)  
BRIAN CAVANAUGH, )  
Defendant. )

## **AMENDED PRELIMINARY ORDER OF FORFEITURE**

This Court finds that defendant BRIAN CAVANAUGH pled guilty to Count One of a One-Count Criminal Information charging him with Possession of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B). Criminal Information, ECF No. 3; Plea Agreement, ECF No. 6; Change of Plea, ECF No. 9.

This Court finds defendant BRIAN CAVANAUGH agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information. Criminal Information, ECF No. 3; Plea Agreement, ECF No. 6; Change of Plea, ECF No. 9.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Information and the offense to which defendant BRIAN CAVANAUGH pled guilty.

The following assets are any visual depiction described in Title 18, United States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or other matter which contains any

1 such visual depiction, which was produced, transported, mailed, shipped or received in violation of  
2 Title 18, United States Code, Section 2252A(a)(5)(B) and any property, real or personal, used or  
3 intended to be used to commit or to promote the commission of Title 18, United States Code, Section  
4 2252A(a)(5)(B) or any property traceable to such property, and are subject to forfeiture pursuant to  
5 Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 6 1. Dell Laptop SN (4VGX101) with power cord;
- 7 2. Compaq Laptop bearing SN (1V88BY44R0SY);
- 8 3. Dell Laptop SN (TW03018R128001280564);
- 9 4. (31) misc Hard drives;
- 10 5. (279) CD/DVDs;
- 11 6. Compaq PC SN (CNH4360156);
- 12 7. (7) USB Thumb drives;
- 13 8. (8) SD cards;
- 14 9. (1) Compaq Flash memory card;
- 15 10. (1) Black Kodak Camera bearing SN (KCT6X7123437U) with inserted SD Card;
- 16 11. (1) Blue colored Samsung Galaxy SIII SN (990003449856851 w/SD card;
- 17 12. (1) Sabrent external Hard drive;
- 18 13. (1) Black colored HP PC tower bearing SN (MX81420BPZ);
- 19 14. (1) Silver PC bearing SN (050802577);
- 20 15. (1) Silver PC bearing SN (050802567); and
- 21 16. (1) Silver PC bearing SN (050802568)

26 (all of which constitutes "property").

1        This Court finds the United States of America is now entitled to, and should, reduce the  
2 aforementioned property to the possession of the United States of America.

3        NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
4 United States of America should seize the aforementioned property.

5        IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
6 BRIAN CAVANAUGH in the aforementioned property is forfeited and is vested in the United States  
7 of America and shall be safely held by the United States of America until further order of the Court.

8        IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
9 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
10 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the  
11 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
12 name and contact information for the government attorney to be served with the petition, pursuant to  
13 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

14        IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
15 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
16 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the  
17 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
18 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's  
19 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's  
20 petition and the relief sought.

21        IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
22 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than  
23 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days  
24 after the first day of the publication on the official internet government forfeiture site,  
25 www.forfeiture.gov.

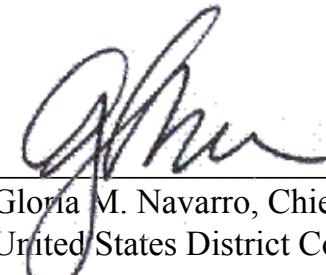
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
2 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
3 following address at the time of filing:

4 Michael A. Humphreys  
5 Assistant United States Attorney  
6 Daniel D. Hollingsworth  
7 Assistant United States Attorney  
Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
10 following publication of notice of seizure and intent to administratively forfeit the above-described  
11 property.

12 **DATED** this 23rd day of July, 2015.

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Gloria M. Navarro, Chief Judge  
United States District Court

## **PROOF OF SERVICE**

A copy of the foregoing was served upon counsel of record via Electronic Filing on July 20, 2015,

/s/ Heidi L. Skillin  
HEIDI L. SKILLIN  
Forfeiture Support Paralegal